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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 18th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION NO.6261/1997

Between:

Smt.Siddamma,
major,
W/o.Shankarappa,
Adhyaksha,
Toranagallu Grama
Panchayath,
Toranagallu,
Sandur Taluk,
Bellary Dist.

...PETITIONER

(By Sri.A.Lobo & Vidyashankar, Advs.)

And:

1. The Assistant Commissioner,
Bellary Sub-Division,
Bellary.
2. The Secretary,
Grama Panchayath,
Thoranagallu,
Sandur Taluk,
Bellary Dist.
3. Toranagallu Gram
Panchayath,
Toranagallu,
Sandur Taluk,
Bellary Dist.
4. H.Veeresh,
member, Toranagallu
Gram Panchayath,
Sandur Taluk,
Bellary Dist.

...RESPONDENTS

(By Sri.K.Nagaraja, HCGP fof R-1)

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This Writ Petition is filed under Article 226 of the Constitution of India with a prayer to quash vide Annexure 'C' dated 05.02.1997 by R-1.

This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:-

O_R_D_E_R

The petitioner in this Writ Petition has challenged the order of the Assistant Commissioner dated 05.02.1997 under Section 13[✓] of the Karnataka Panchayath Raj Act. The main grievance of the petitioner is, the Assistant Commissioner has not afforded an opportunity of being heard before passing the impugned order. From the order, it is seen that the Assistant Commissioner has not afforded an opportunity of hearing to the petitioner. Therefore, in my view, the order passed by the Assistant Commissioner is contrary to Section 13(1)(c) of the Act. Accordingly, I pass the following order.

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2. Writ Petition is allowed. The order of the Assistant Commissioner dated 05.02.1997 produced as Annexure 'C' is quashed. The matter is remitted to the Assistant Commissioner, Bellary for fresh disposal in accordance with law after affording an opportunity of being heard to the petitioner.

Sd/-
JUDGE



sps/-